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Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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December 11, 2012

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

### **STATE LEGISLATIVE AGENDA FOR THE FIRST YEAR OF THE 2013-14 SESSION (ALL SUPERVISORIAL DISTRICTS AFFECTED) (3 VOTES)**

#### **SUBJECT**

The following recommendations represent the updated policies and proposals for the first year of the 2013-14 Legislative Session, which were developed in coordination with Board Offices, County departments, the Legislative Strategist and the Sacramento advocates. This package, together with other positions previously adopted by the Board, represent guiding principles for the County's advocacy efforts in Sacramento.

#### **THEREFORE, IT IS RECOMMENDED THAT THE BOARD:**

1. Approve the attached additions, deletions, and changes to existing Board-adopted policies and positions for inclusion in the 2013-14 State Legislative Agenda (Attachment I).
2. Instruct the Chief Executive Officer (CEO), affected departments, the Legislative Strategist, and the Sacramento advocates to work with the Los Angeles County delegation, other counties and local governments, and interest groups to pursue these policies, positions, and priorities in the State Legislature and with the Administration and its agencies.

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3. Direct the Sacramento advocates to pursue County-sponsored legislation to:  
1) expand the authority of a county board of supervisors to deny requests for election consolidation; and 2) establish routine HIV testing for children under the age of one who are placed in the foster care system (Attachment II).

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS**

The recommended changes seek to minimize the adverse impact of State actions on the County, achieve greater flexibility over the use of State funds, protect revenue sources for County-provided services, secure State financial assistance whenever possible, and promote the growth of the State and local economy.

### **CALIFORNIA FISCAL OUTLOOK**

On June 27, 2012, Governor Brown signed the FY 2012-13 State Budget Act. The \$91.5 billion spending plan closed a \$15.7 billion State Budget shortfall with a combination of ongoing and temporary cuts of about \$8.0 billion, \$6.0 billion in revenue assumptions and \$2.5 billion in other solutions.

The FY 2012-13 State Budget Act relied on the passage of Governor Brown's November 6, 2012 Ballot Initiative, Proposition 30, which was approved by voters. Proposition 30 amends the State Constitution to guarantee funding for public safety services realigned from the State to counties under the 2011 Public Safety Realignment and to provide protections from future unfunded costs to administer the realigned programs. Proposition 30 also increases the State Sales and Use Tax by one-fourth (1/4) cent for four years and increases the personal income tax on annual earnings over \$250,000 for seven years. According to the Department of Finance and the Legislative Analyst's Office (LAO), the temporary tax increases included in Proposition 30 are estimated to generate between \$6.8 billion to \$9.0 billion in FY 2012-13 and \$5.4 billion to \$7.6 billion, on average, each of the following five fiscal years.

On November 14, 2012, the Legislative Analyst's Office released its fiscal outlook for California which projects a significantly improved budget outlook for the current fiscal year and the potential of budget surpluses within several years as a result of the ongoing economic recovery, budget cuts adopted in this and previous fiscal years, and the passage of Proposition 30 and Proposition 39 which changes the way multistate businesses calculate State taxable income.

The Legislative Analyst's Office projects that there will be a \$943.0 million budget deficit in FY 2012-13 as a result of: 1) lower revenues, particularly from the Personal Income

Tax and Corporate Tax, than assumed in FY 2011-12 and FY 2012-13; 2) lower-than-anticipated savings from the dissolution of redevelopment agencies and the cap-and-trade auctions; and 3) a positive adjustment in the FY 2010-11 ending fund balance. These factors, combined with a projected \$936.0 million deficit to begin FY 2013-14, leaves a \$1.9 billion budget problem that the Legislature and the Administration must address by June 2013 in order to pass a balanced budget. However, the LAO notes that this is a significantly lower budget deficit than the State has faced in previous fiscal years, and it represents a much improved fiscal outlook for the State.

The Legislative Analyst's Office's out-year projections estimate that there will be a growing State surplus starting at over \$1.0 billion in FY 2014-15 and increasing to over \$9.0 billion by FY 2017-18. The LAO suggests that along with the projected surpluses, the State should consider longer-term budgetary solutions including building a reserve, paying down budget liabilities and repayment of special fund loans, addressing retirement liabilities, and selectively restoring programmatic and operational cuts enacted in recent fiscal years.

The Legislative Analyst's Office indicates that its estimates are based on a number of policy and budgetary assumptions including an ongoing economic recovery and growth in stock prices, as well as action at the Federal level to avert negative economic consequences associated with the so called "fiscal cliff" of expiring tax cuts and automatic spending reductions.

## COUNTY LEGISLATIVE PRIORITIES

As a result of the State's continuing fiscal problems, implementation of Health Care Reform, indications that the Administration and Legislature may revisit the allocation of 1991 Realignment funding and the potential of future programmatic realignment efforts, among other issues, the County's initial advocacy efforts in 2013 will be concentrated on the priorities listed below.

**State Budget.** Given the slow economic recovery both nationally and in California, as well as the potential volatility in State revenue receipts, this office will continue to focus its attention on the preservation of State funding received by the County. **The County will continue to support adequate and protected funding for programs it operates on behalf of the State, and will pursue a partnership with the Administration and the Legislature to address potential State funding reductions in which the County assumes a fair share of budget cuts, if the proposed reductions are developed with the County's active participation.**

**Health Care Reform Implementation.** As California continues to move toward implementation of Federal Health Care Reform in 2014, significant legislative issues remain unresolved including the creation of a Basic Health Plan, preservation of the existing health safety net and the expansion of care coverage for newly eligible persons. The Governor has called for a Special Session of the Legislature to convene in December 2012 to address some of these issues and to develop the framework with which California will fully implement the Affordable Care Act. **The County will continue to strongly advocate that the Administration work closely with counties and other stakeholders to address remaining issues needed for the implementation of Health Care Reform to ensure that the County's health system meets the demands of the newly insured population as well as those individuals who will remain uninsured.**

**Preservation of 1991 Realignment Funding.** With the implementation of Health Care Reform, the Administration has indicated it may revise the allocation of 1991 Realignment funding to counties for indigent health care as the number of uninsured persons is expected to decline. The State Controller estimates that the County's FY 2012-13 1991 Realignment allocation is approximately \$395.0 million. Despite the implementation of Health Care Reform, the County will retain its mandate to provide health care for indigent persons. Further, many individuals will likely remain uninsured because they cannot afford to pay health care premiums, because they lack access to care, including high-cost specialty care, or as a result of their immigration status. The 1991 Realignment funding for indigent health is vital to maintaining the County's health care safety net. **Therefore, the County will advocate that the 1991 Realignment funding and other related funding streams be preserved to ensure the County continues to meet its mandate to provide health care for indigent persons.**

**Future Realignment Efforts.** As part of Governor Brown's realignment proposals released in January 2011, two phases of realignment were outlined. The first phase, enacted by the 2011 Public Safety Realignment, included the shift in responsibility from the State to counties for a number of public safety and health and human services programs. In discussions of the second phase of realignment, the Governor indicated that due to the natural shift of costs from counties to the State as uninsured individuals move to Medi-Cal under Federal Health Care Reform, a broader reexamination of the most appropriate level of government to provide health-related and other programs will be needed. Details regarding future realignment efforts have not been released but it is anticipated that the Administration will attempt to realign additional programs in 2013. **Consistent with previous efforts, the County will continue to oppose any efforts to realign additional programs and responsibilities to counties without negotiating directly with the counties. Further, the County will oppose any effort to realign programs unless the State provides: 1) full funding, including growth**

measures from guaranteed and protected funding sources; 2) local control and program flexibility; and 3) protections that prohibit the State from increasing programmatic responsibility and costs to counties without providing adequate funding.

**Pension Reform Clean-up.** Beginning January 1, 2013, the California Public Employees' Pension Reform Act (PEPRA) of 2012 modifies most public employer pension systems with significant changes for new employees that include pension caps, equal sharing of pensions, and increases in retirement age, among other changes. For all employees, less impactful changes include the prohibition of retroactive pension increases and purchases of service credit. Although most provisions under PEPRA are well defined, there remain several areas of uncertainty. In addition, some provisions will likely limit counties' ability to compete for, recruit, and retain professionals that provide specialized or highly technical services. These in-demand personnel, such as medical, legal and other subject-matter specialists, are crucial to providing competitive services in areas such as public safety and the new health care reform environment, and to succeed current County professionals due to retire in the coming years. Various stakeholders throughout the State are discussing clean-up language to address incongruous and problematic areas of PEPRA. **Therefore, the County will actively participate in these statewide pension reform clean-up discussions to: 1) protect the interests of the County and its constituents; and 2) actively support changes and/or improvements that allow the County to recruit and retain highly-specialized personnel to provide critical health, mental health, legal, and other professional, technical or specialized services.**

#### **RECOMMENDED CHANGES TO THE COUNTY'S STATE LEGISLATIVE AGENDA**

The recommended changes in Attachment I represent requests from this office, County departments and commissions to add or modify policy statements consistent with existing operational goals and plans. New policy statements represent emerging programs and issues for which we are seeking your Board's concurrence to guide future advocacy efforts. In addition, some policies are no longer applicable, and therefore, have been removed.

All other previously adopted State Legislative Agenda policies and positions remain in effect; and as such, advocacy will continue on these matters. A revised comprehensive list of all State Legislative Agenda policy statements will be published subsequent to consideration of the changes included in this letter.

#### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

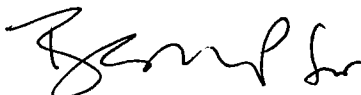
The proposed policies in the State Legislative Agenda are consistent with the County's Strategic Plan Goals of Operational Effectiveness and Fiscal Sustainability. Operational Effectiveness is achieved by providing timely advocacy on proposals that could significantly impact the County and support the delivery of efficient public services. Fiscal Sustainability results from efforts by the CEO, Sacramento advocates and County departments to maintain funding for critical County services and to oppose further program reductions or new unfunded mandates on County government.

### **CONCLUSION**

The recommended additions, deletions and changes to existing Board-adopted policies and proposed County-sponsored legislation (Attachment II) are submitted for the Board's consideration as guiding principles for inclusion in the State Legislative Agenda for the first year of the 2013-14 Legislative Session. The CEO will ensure that all legislative positions pursued are communicated to the Board, and that Board offices are provided the opportunity for input on those positions prior to any initial advocacy.

The policies and proposals contained in this package are in addition to, and are not intended to replace or be exclusive of any position your Board may adopt at any time during the year. As in the past, the State Legislative Agenda will be updated to reflect subsequent Board actions and will be shared with all County departments subsequent to Board approval.

Respectfully submitted,



WILLIAM T FUJIOKA  
Chief Executive Officer

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### **Attachments**

c: Executive Office, Board of Supervisors  
County Counsel  
Auditor-Controller

## RECOMMENDED STATE LEGISLATIVE POLICIES ADDRESSING ISSUES OF MAJOR COUNTY INTEREST

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## RECOMMENDED CHANGES TO THE 2013-14 STATE LEGISLATIVE AGENDA

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## **2. ENVIRONMENT, NATURAL RESOURCES AND RECREATION**

### **2.1 Air Quality**

1. Support proposals and/or funding to assist local governments to: 1) purchase zero and/or near zero emission vehicles, including plug-in and hybrid vehicles, idle reduction devices, electric vehicle charging infrastructure; 2) upgrade refueling infrastructure; 3) make necessary facility improvements; 4) convert vehicle fleets to alternative fuels to enable the shift toward more fuel-efficient vehicles and lower carbon fuels to reduce greenhouse gas emissions and help improve air quality; and/or **5) extend the sunset dates of existing clean air and alternative fuels and vehicle programs such as the AB 118 and the Carl Moyer programs. (Requested by the Internal Services Department)**

**Justification:** The Internal Services Department indicates that clean air and alternative fuels and vehicle programs are set to expire in a few years. The Carl Moyer and AB 118 programs provide over \$100 million annually Statewide for clean trucks and equipment, engine replacements in trucks, alternatively fueled vehicles, refueling infrastructure, alternative fuel production, innovative technologies, and matching funds for Federal programs. The Sheriff's Department has received \$6.9 million from the Carl Moyer Program to replace 37 prisoner transport buses which will significantly reduce emissions produced by their fleet. In addition, the County's current and future plug-in electrics and plug-in hybrid vehicles are eligible for clean car rebates through the AB 118 program, and hybrid trucks purchased by the Fire Department or Public Works will also be eligible for AB 118 funding. Reducing fuel costs, diversifying fuels, reducing petroleum dependence, and reducing petroleum consumption would reduce the County's business costs and insulate the County from the impact of petroleum price fluctuations.

### **2.2 Beaches**

8. ~~Oppose proposals to eliminate~~ **Support proposals to fully preserve** the California Department of Boating and Waterways. **(Requested by the Department of Beaches & Harbors)**

**Justification:** This policy is consistent with the Board's action of April 24, 2012, to oppose the Governor's proposal to transfer the California Department of Boating and Waterways within the California Department of Parks and Recreation. Currently, Beaches and Harbors receives grant funding for various boating and waterways projects and the consolidation could reduce overall funding for boating and waterways projects due to other priorities within the California Department of Parks and Recreation.

## **2.4 Parks**

- 13. Support legislation to authorize the appointment of a designee to the governing board of the Baldwin Hills Conservancy to ensure the County's interests are represented. (Requested by Department of Parks and Recreation)**

**Justification:** The Department of Parks and Recreation indicates that current law mandates that the Baldwin Hills Conservancy's board shall consist of thirteen voting members and seven non-voting members. Nine of the board's member seats are designated for the lead representative of State or county agencies, or his or her designee. One seat is designated for the Los Angeles County Supervisor within whose district the Baldwin Conservancy is located, but does not allow a designee for this seat. The proposed policy would allow the County to support legislation that would amend existing law to allow the seat on the Conservancy's board that is designated for the Los Angeles County Supervisor to be filled by a designee of the Supervisor. This change would ensure that the County's interests are represented on the Conservancy's board.

## **3. GENERAL GOVERNMENT**

### **3.1 Retirement, Compensation and Benefits, and Workers' Compensation**

4. Support legislation that promotes the timely provision of reasonable and necessary medical care **and workers' compensation benefits** while opposing legislation that erodes the medical reforms accomplished by the FY 2003-04 **and FY 2011-12** workers' compensation reform legislation and oppose legislation that increases workers' compensation benefits unless it maintains a fair and equitable balance for employers and employees. **(Requested by the Chief Executive Office)**

**Justification:** The Chief Executive Office recommends these changes to support the intended savings and reforms enacted in the Worker's Compensation Reform legislation, SB 863 (Chapter 363, Statutes of 2012). SB 863 reforms various areas of the Worker's Compensation system; however, it was expedited through the legislative process, with limited time to properly vet all intended reforms and projected savings. This updated language would broaden the policy's application and enable the County to support follow-up legislation that rectifies any unintended consequences or any new legislation that attempts to erode any of the existing reforms.

- 13. Support pension reform changes and/or improvements that allow the County to recruit and retain highly-specialized personnel to provide critical health, mental health, legal, and other specialized services for County residents. (Requested by the Chief Executive Office)**

**Justification:** The California Public Employees' Pension Reform Act (PEPRA) of 2012 modifies most public employer pension systems with impactful changes for new employees and less impactful changes for current employees. Some PEPRA provisions will likely limit counties' ability to compete for, recruit, and retain professionals that provide specialized or highly technical services. These in-demand personnel, such as medical, legal and other subject-matter specialists, are crucial to continuing program realignment efforts, providing competitive services in the new health care reform environment, and to succeed key County professionals due to retire in the coming years. Various stakeholders throughout the State

are proposing clean-up language that will address incongruous and problematic areas of PEPRA. This policy will permit the County to support pension reform changes and/or improvements that will allow local jurisdictions to competitively recruit for specialized professionals.

### **3.4 Consumer Protection**

- 12. Support proposals that protect consumers from debt collectors and debt buyers who engage in unfair and abusive debt collection practices and litigation. (Requested by Department of Consumer Affairs)**

**Justification:** The Department of Consumer Affairs indicates that complaints from consumers against debt collectors have risen dramatically and now make up five percent of all complaints they receive. The Federal Trade Commission also notes a rise in complaints reporting that debt collection cases represent 21 percent of all complaints they receive from the public. This increase is primarily attributed to the creation of the debt buying business which buys unpaid consumer and credit card debt for pennies on the dollar. This policy would allow the County to support legislation that seeks to protect constituents from the abusive tactics employed by this industry.

- 13. Support proposals that maintain or increase funding for the Small Claims Advisor Program and simplify the small claims filing process for individual consumers and small businesses. (Requested by Department of Consumer Affairs)**

**Justification:** The Department of Consumer Affairs administers the Small Claims Advisor Program, which provides counseling and assistance for small claims litigants. The Department indicates that over the past 5 years small claims filings in the County and statewide have decreased more than 20 percent. In part, this decline is caused by a complicated system that imposes maximum filing limits and confusing rules that limit the number of claims a person or business entity can file each year. Legislation to simplify the small claims process could benefit County consumers.

- 14. Support proposals to strengthen consumer protections with regard to business filings requirements by establishing stricter registration requirements for process servers. (Requested by Registrar-Recorder/County-Clerk with concurrence from Department of Consumer Affairs)**

**Justification:** The Registrar-Recorder/County-Clerk indicates that such legislation would strengthen consumer protection by making available to the consumer, the name, address, age and telephone number of individual process servers. This information is necessary as the Department receives many complaints against process servers and needs a way to identify the individual servers.

### **3.11 Library Services**

8. ~~Support proposals to provide remedies to the provisions for withdrawal of a city or library district from the county library system that apply to the County. (Requested by The Public Library)~~

**Justification:** The Public Library indicates this policy is no longer needed because AB 438 (Chapter 611, Statutes of 2011) imposes certain safeguard requirements on a city or library district that intends to withdraw from a county free library system and operate libraries with a private contractor.

### **3.14 Public Records**

4. ~~Support legislation to allow any filing officer to accept electronic filing of the Statement of Economic Interest (Form 700) in lieu of a paper form. (Requested by the Executive Office of the Board of Supervisors)~~

**Justification:** The Executive Office of the Board of Supervisors indicates that this policy is no longer needed because County-supported AB 2062 (Chapter 500, Statutes of 2012) permits all filers of the Statement of Economic Interests (Form 700) to submit statements electronically in accordance with Fair Political Practices Commission regulations.

### **3.15 Redevelopment**

3. Support proposals to ~~protect both statutory and negotiated~~ increase the statutory pass-through payments to for taxing entities for the duration of the redevelopment wind-down process pursuant to ABx1 26 (Chapter 5, Statutes of 2011) and AB 1484 (Chapter 26, Statutes of 2012), and oppose proposals that would eliminate or reduce any pass-through payments to taxing entities before redevelopment successor agencies retire or pay off all debts, dispose of all remaining assets, and/or terminate their existence. ~~to make redevelopment more self-financing, or alternatively, provide counties with the authority to negotiate pass-through agreements with cities and redevelopment agencies on new AB 1290 (Chapter 942, Statutes of 1993) projects. (Requested by the Chief Executive Office)~~

**Justification:** The proposed revisions to the policy are consistent with the County's opposition to proposals which would have suspended all negotiated pass-through agreements as part of the FY 2012-13 State Budget Act. These revisions will allow the County to ensure that negotiated and statutory pass-through payments to the County are protected for the duration of the redevelopment wind-down process and until the redevelopment agencies successor agencies terminate their existence.

9. **Oppose proposals that eliminate the County's authority over the use of tax increments or its ability to determine its role in the formation of and participation in infrastructure financing districts, redevelopment agencies, joint powers authorities, or other similar entities. (Requested by Community Development Commission with concurrence by the Chief Executive Office)**

**Justification:** During the 2011-12 Legislative Session, several proposals were advanced which may have redirected the County's property tax increment to newly created economic development mechanisms. In order to protect the County's property tax revenues, and until the redevelopment dissolution process is complete, the County must be able to oppose proposals that would eliminate the County's ability to proactively determine its role in such entities (i.e., opt-in or opt-out), and oppose any proposals which would redirect the County's tax increment without County approval.

10. **Support proposals that make a county's or a local housing authority's participation in any redevelopment project or program subject to local approval, and support proposals which would allow a local housing authority to transfer housing functions previously performed by a former redevelopment agency to the California Department of Housing and Community Development. (Recommended by the Community Development Commission)**

**Justification:** This policy is consistent with the Board's previous support of AB 1585 of 2012, which would have allowed for the transfer of a former redevelopment agencies housing function from the local housing authority to the California Department of Housing and Community Development. The Redevelopment Dissolution Act (ABx1 26) designated the local housing authority as the default housing successor agency in certain circumstances without allowing the governing board of said local housing authority to opt out of those responsibilities. The CDC recommends this policy statement to protect the County's interests in any new redevelopment program contemplated by the State and to allow the County to retain control of such decisions.

### **3.16 Elections and Voting**

1. **Support legislation to provide counties greater flexibility in determining precinct sizes. (Requested by Registrar-Recorder/County-Clerk)**

**Justification:** The Registrar-Recorder/County-Clerk indicates that this policy is no longer needed because existing law requires the boundaries of an election precinct to be fixed so that it contains no more than 1,000 voters on the 88th day prior to the election. SB 1342 (Chapter 111, and Statutes of 2010) authorizes a local elections official to subtract permanent vote by mail voters from that total when specified conditions are met.

2. **Support legislation to require disclosure of the payer for telephone campaign messages. (Requested by Registrar-Recorder/County-Clerk)**

**Justification:** The Registrar-Recorder/County-Clerk indicates that this policy is no longer needed. AB 2275 (Chapter 439, Statutes of 2006) already requires campaigns to disclose the name of the organization that authorized or paid for the campaign messages via telephone.

3. **Support legislation to allow Los Angeles County to develop and/or acquire a voting system on a pilot basis. (Requested by Registrar-Recorder/County-Clerk)**

**Justification:** The Registrar-Recorder/County-Clerk indicates they must replace the County's existing voting system with a custom option; however, Election Code 19201(b) prohibits jurisdictions from purchasing or contracting for a voting system, in whole or in part, unless it is already certified and approved by the Secretary of State. This amendment would eliminate this restriction and would allow Los Angeles County greater contracting options in pursuing the development or acquisition of more robust and customized voting systems which would later be submitted for testing and approval from the Secretary of State.

4. **Support legislation to provide constituents access to their vital records via an electronic identification process. (Requested by Registrar-Recorder/County-Clerk)**

**Justification:** The Registrar-Recorder/County-Clerk indicates that under existing law, when applying for a vital records copy via mail, fax or online clients must have a certificate of identity acknowledged by a notary public. For many constituents this is not always possible due to distance, monetary constraints, lack of proper identification, and other hardships. With electronic verification a client will be presented with a series of questions based on verifiable public information. Currently, the process of electronic verification is used by the State of New York to verify the identity of a requestor online and in person. Amending current code language would give county clients more options and reduce hardships in attaining their vital records.

5. **Sponsor or support legislation to expand board of supervisors' authority to deny statewide election consolidation to cases where there is reasonable cause for concern regarding the proper administration of an additional election, including legal and financial considerations. (Requested by Registrar-Recorder/County-Clerk)**

**Justification:** The Registrar-Recorder/County Clerk indicates that under existing law, there are specified factors when boards of supervisors can deny the request to consolidate a local jurisdiction's election event with elections held by the county. Those factors include findings that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. However, past consolidated election issues not covered by existing law, such as jurisdictional and electoral oversight conflicts have jeopardized the quality and efficiency of the election process. Expanding the conditions under which a consolidation request can be denied, could help prevent these types of issues, civil action and other forms of litigation against the County. In addition, expanding the board's authority would protect the County's financial interests from jurisdictions that are unable to pay for election services.

6. **Support legislation to improve and/or clarify the challenge process for Vote by Mail ballots and strengthen voter protections. (Requested by the Registrar-Recorder/County-Clerk)**

**Justification:** The Registrar-Recorder/County-Clerk indicates that under existing law the challenge process for Vote by Mail ballots is vague and contains loopholes that endanger voter rights. This policy would allow the County to support legislation that would clarify

ambiguities in State law, and thereby protect the rights of eligible voters and ensure that ballots are adequately processed.

#### **4. HEALTH**

##### **4.1 Financing of the Safety Net**

17. **Support proposals to preserve the 1991 Realignment Health funding for counties to support indigent health care and other services. (Requested by the Chief Executive Office with concurrence by the Department of Health Services)**

**Justification:** With the implementation of Federal Health Care Reform in January 2014, the Administration has indicated that it may revise the allocation of 1991 Realignment funding to counties for indigent health care on the basis that the number of uninsured persons will significantly decline. The State Controller estimates that the County's FY 2012-13 1991 Realignment allocation for indigent health care is approximately \$395.0 million.

The Chief Executive Office indicates that despite the implementation of Health Care Reform the County will retain its mandate under Welfare and Institutions Code Section 17000 to provide health care for indigent persons. Further, many individuals will remain uninsured because they cannot afford to pay health care premiums, due to their immigration status, or because they lack access to care, including high-cost specialty care. Full funding of 1991 Realignment funding for indigent health is critical to maintaining the County's health care safety net.

##### **4.2 Emergency and Trauma Care**

10. **Oppose proposals which would reduce local authority regarding disciplinary actions for licensed emergency medical services personnel. (Requested by the Department of Health Services)**

**Justification:** The Department of Health Services indicates that local Emergency Medical Services (EMS) agencies coordinate and regulate the delivery of emergency services to patients needing emergency treatment. Legislation considered in 2012, AB 1944 (Gatto), would have reduced local authority over disciplinary actions of EMS personnel whose actions are in violation of their licensure and who pose a threat to public health and safety. AB 1944 was opposed by the California State Association of Counties, Emergency Medical Services Administrator's Association, and County Health Executives Association of California. The bill was held on the Senate Appropriation Suspense File in August 2012. The addition of this policy would allow the County's Sacramento advocates to oppose proposals similar to AB 1944 should they be reintroduced.

#### **4.4 Health Insurance and Coverage**

16. **Sponsor or support legislation to extend the sunset date to provide exemptions from licensing requirements for out-of-state health care practitioners to provide short-term, in-state volunteer medical and dental services. (Requested by the Chief Executive Office)**

**Justification:** Pursuant to Board action of November 10, 2009, County-sponsored AB 2699 (Chapter 270, Statutes of 2010) provides exemptions from licensing requirements for out-of-state health care practitioners who provide short-term, in-state volunteer medical and dental services for uninsured and underinsured persons at no cost. Provisions of AB 2699 will sunset on January 1, 2014. Extension of the AB 2699 sunset date would allow continued exemptions from the licensing requirements for volunteer out-of-state medical and dental practitioners.

#### **4.5 HIV/AIDS**

3. ~~Support proposals and increased funding to effectively institute HIV surveillance by name statewide in order to identify emerging areas of need, craft programmatic responses, and ensure adequate levels of Federal funding. (Requested by the Department of Public Health with concurrence by the Chief Executive Office)~~

**Justification:** The Department of Public Health indicates this policy is obsolete because County-sponsored SB 699 (Chapter 20, Statutes of 2006) implemented HIV surveillance by name statewide.

7. **Sponsor or support legislation to allow HIV testing of infants up to one year of age who are placed in foster care. (Requested by the Department of Health Services with concurrence by the Department of Public Health, the Department of Child and Family Services and the Chief Executive Office)**

**Justification:** The Department of Health Services (DHS) through its Medical Hub clinics provides initial medical examinations for children and infants placed into foster care. These examinations include routine screening for sexually transmitted diseases including syphilis and hepatitis. According to DHS, HIV testing is critical for newborns because prophylactic medications can be administered soon after the time of birth, which can prevent the newborn from acquiring HIV.

However, current law requires parental consent for HIV testing of minors less than 12 years of age including those placed in foster care. When the parent is unable or unavailable to consent to HIV testing, the Department of Children and Family Services must seek a court order for the test with documentation from the DHS physician requesting the test. This often results in delays in providing vital treatment for newborns and infants who are HIV infected. This County-sponsored proposal would allow DHS to conduct HIV testing as an element of the routine medical examinations of infants up to one year of age who are placed in foster care.



#### **4.6 Public Health**

32. **Support proposals to conform California's rabies vaccinations requirements to Federal laws, regulations and guidelines. (Requested by the Department of Public Health with concurrence by Animal Care and Control)**

**Justification:** The Department of Public Health (DPH) indicates that current State law requires that dogs be vaccinated for rabies by the time they are four months of age and annually thereafter. According to DPH, since the law was enacted, the U.S. Department of Agriculture (USDA) has modified canine rabies vaccine licensure to allow the administration of the vaccine to dogs at three months of age. DPH indicates that, in accordance with the USDA guidance, all other states with rabies laws allow or require dogs to be vaccinated at three months of age. DPH indicates that a change in State law is needed to conform to Federal guidelines and actions taken by other states and to protect the public safety and health of County residents.

#### **4.7 Alcohol and Drug**

12. **Support restoration of permanent and adequate funding for the Substance Abuse and Crime Prevention Act of 2000 (Proposition 36) to provide drug treatment services to nonviolent drug offenders sentenced under Proposition 36. (Requested by the Chief Executive Office)**

**Justification:** State funding and support for the Proposition 36 program was discontinued in FY 2009-10 due to the State Budget deficit and has not been restored. However, the sentencing statute that allows nonviolent drug offenders to be sentenced to drug treatment in lieu of incarceration remains an option that continues to be routinely utilized by defendants and the courts. Individuals sentenced under Proposition 36 must attend a drug treatment program to satisfy the requirements of their sentence but there is no funding to support these services at the county level resulting in long waitlists for treatment and increases in the likelihood of non-compliance, relapse and recidivism. This policy was previously contained in Section 6.2, Proposition 36.

#### **4.11 Implementation of Health Care Reform**

6. **Support proposals that expand health care coverage to the fullest extent allowed under the Affordable Care Act, without eroding existing coverage.**
7. **Support proposals that simplify the health coverage enrollment and renewal processes to administer and facilitate use and access for clients.**
8. **Support proposals that simplify and coordinate the health care enrollment and renewal process with existing programs such as CalFresh; and continue the use of county human services agencies to administer initial and ongoing Medi-Cal eligibility, including the Los Angeles County LEADER system and other county automation consortia, which interface with the Health Care Exchange.**

9. Support proposals that expand and enhance data matching to minimize paper verifications and decrease processing time for enrollment for health care coverage.
10. Support proposals that provide coverage expansion built upon the traditional delivery systems used by the Medi-Cal and uninsured such as the Two-Plan Model and safety net providers.
11. Support proposals that incorporate the Low-Income Health Plans created under the 2010 California Medicaid Waiver into the new delivery systems created under the Affordable Care Act.
12. Support proposals that include incentives for providers to deliver high-quality, coordinated, integrated, and cost-effective care across all levels of health care delivery.
13. Support proposals to ensure that coverage expansion includes mechanisms that protect existing patient-provider relationships from unnecessary disruption and ensure continuity of care.
14. Support proposal that create comprehensive benefits to the fullest extent allowed in the Affordable Care Act, include mental health and substance use disorder services, without eroding previously implemented Federal Medical options and existing waivers.
15. Support proposals that maintain the Prevention and Public Health Fund, recognizing that health improvement results from investments in population health efforts and not just medical care.
16. Support proposals that continue funding for the safety net system to maintain services for populations not covered by the Affordable Care Act.
17. Support proposals that allow the State to take full advantage of opportunities under the Affordable Care Act to maximize revenues such as, opting into enhanced benefits, special payments and incentives for innovation and quality.

**(Requested by the Chief Executive Office)**

**Justification:** Policies 6 through 17 reflect principles developed and recommended by the County's Health Care Reform Implementation Work Group consisting of the Chief Executive Office, and the Departments of Health Services, Public Health, Mental Health, and Public Social Services. The addition of these policies to the State Legislative Agenda will help inform the County's advocacy efforts on health care reform to: maximize coverage expansion for newly insured persons; protect the existing safety net delivery system; and maintain initiatives under the 2010 Medicaid Waiver.

## **6. JUSTICE AND PUBLIC SAFETY**

### **6.1 General**

26. **Support proposals to enhance criminal penalties for persons who commit assaults against health care or mental health service providers while in the performance of their duties. (Requested by the Department of Health Services)**

**Justification:** The Department of Health Services (DHS) indicates that staff providing health care services may be victims of assaults committed against them by patients. According to DHS, the threat of harsher criminal penalties could serve as a deterrent to these types of crimes, help protect health care personnel, and address the problem of assaults on healthcare workers.

### **6.2 Proposition 36**

1. ~~Support State funding, without supplantation of existing resources, to ensure that nonviolent drug offenders have full access to a full continuum of drug addiction treatment and recovery support services, including drug testing, as a means of reducing re-arrests for drug-related crimes.~~
2. ~~Support permanent and full State funding for Proposition 36 (i.e. Substance Abuse Treatment Trust Fund) and ensure funding allocations meet caseload growth.~~
3. ~~Support the prohibition against using Proposition 36 funding for drug treatment programs offered in a prison or jail facility, excluding those drug treatment services provided to defendants who are a part of an electronic monitoring system program.~~
4. ~~Support proposals to reform and strengthen Proposition 36 through the use of frequent drug testing, graduated short-term sanctions and incarceration, in-custody treatment services, and close monitoring of defendants if such jail-based treatment programs are part of an overall system of graduated, short-term therapeutic sanctions supervised by the Courts and provided in a dedicated treatment unit of a county jail.~~
5. ~~Oppose legislation that expands eligibility for Proposition 36 unless additional funding is provided to fully fund increased program costs.~~
6. ~~Support additional funding for the Substance Abuse Offender Treatment Program to enable counties to improve their Proposition 36 treatment outcomes.~~

**(Requested by the Chief Executive Office)**

**Justification:** Section 6.2 (Proposition 36) is obsolete as State funding and support for the Proposition 36 Program was discontinued in FY 2009-10 due to the State Budget deficit and has not been restored. A policy related to the restoration of funding for Proposition 36 treatment services has been included under Section 4.7, Alcohol and Drug.

## **6.6 Fire**

8. **Support proposals that would remove deed restrictions to allow a municipal government to sell a portion of State-owned property utilized for fire protection services to a county fire district without the property reverting to the State. (Requested by the Fire Department).**

**Justification:** The County Fire District (District) currently rents a training facility from the City of Pomona. The facility is adjacent to a fire station and is located on State-owned parcel conveyed to the city to be used exclusively for fire protection purposes. There are deed restrictions on the parcel that mandates it must be used for fire protection purposes by the City of Pomona and if the parcel ceases to be utilized by the city for those purposes, ownership must revert to the State. The City of Pomona is working to pursue legislation to remove the deed restrictions and allow for the sale of the training center to the District without the parcel reverting to State ownership. This legislative change is necessary to ensure the District's continued use and control over the training facility which is critical to the training needs in the eastside of the District and represents an important regional resource for the training needs of the entire District, which protects 58 cities and all unincorporated areas.

## **6.7 Juvenile Justice**

11. ~~Support legislation to extend Kin-Gap benefits to Probation youth. (Requested by the Chief Executive Office with concurrence of Probation Department and Department of Children and Family Services)~~

**Justification:** With enactment of AB 1808 (Chapter 75, Statutes of 2006) Kin-Gap benefits were extended to Probation youth exiting the delinquency system to live with a related care giver; therefore this policy is no longer needed.

18. ~~Support legislation to clarify a chief probation officer's authority to consent to medical examinations and non-emergency medical care for youth detained in county juvenile facilities. (Requested by the Chief Executive Office with concurrence from the Department of Health Services).~~

**Justification:** The enactment of County-sponsored SB 913 (Chapter 256, Statutes of 2011) allows a probation officer to authorize reasonable medical and dental care for a minor under the custody of that probation officer; therefore this policy is no longer needed.

## **6.8 Probation**

18. **Support legislation that would amend the criteria for Post-Release Community Supervision under AB 109 (Chapter 15, Statutes of 2011) to consider a State prison inmate's past violent or serious criminal history or history of sexual offenses. (Requested by the Chief Executive Office with concurrence from the Probation Department and Department of Mental Health)**

**Justification:** On November 15, 2011, the Board adopted a motion to protect the County from receiving violent offenders and to seek legislation to amend the criteria under AB 109 to ensure violent and serious offenders are not released to County supervision.

19. **Support legislation that would prohibit the State from releasing a State prison inmate to Post-Release Community Supervision under AB 109 (Chapter 15, Statutes of 2011) if that inmate has been previously designated a Mentally Disordered Offender or Mentally Disordered Sexual Offender. (Requested by the Chief Executive Office and Probation Department with concurrence from the Department of Mental Health)**

**Justification:** Since implementation of AB 109, a number of seriously mentally ill individuals including some that received a previous designation of Mentally Disordered Offender (MDO) or a Mentally Disordered Sexual Offender (MDSO) have been released to the Probation Department under Post-Release Community Supervision (PRCS). This population is difficult to treat, often requires intensive and costly mental health care at County cost, and poses a threat to public safety. According to the Probation Department, this population is better suited to remain under State parole jurisdiction upon release. The CEO has repeatedly requested that the Administration and the California Department of Corrections and Rehabilitation amend the criteria for PRCS to ensure inmates with a previous MDO/MDSO designation remain under the care of the State upon release. However, legislation may be required to enact these changes.

## **10. SOCIAL SERVICES**

### **10.7 Senior and Adult Services**

9. **Support proposals and funding that promote the coordination of services such as Older Americans Act Programs, IHSS, Adult Day Health Care Services, Caregiver Resource Centers, Community-Based Adult Services, Multipurpose Social Services Program and Adult Protective Services into an integrated long term care system. (Requested by Community and Senior Services)**

**Justification:** Community and Senior Services Department indicates that AB 97 (Chapter 3, Statutes of 2011) eliminated payment for Adult Day Health Care (ADHC) services under the Medi-Cal Program and directed the Department of Health Care Services (DHCS) to develop and implement a transition process to facilitate Medi-Cal ADHC participants with accessing available community-based services that address their needs. Based on a lawsuit challenging the elimination of the ADHC benefit and agreement reached, ADHC ended on February 29, 2012 and was replaced with a new program called Community-Based Adult Services (CBAS). As of March 1, 2012, CBAS provides necessary medical and social services to individuals with intensive health care needs. The revised policy eliminates the reference to the ADHC program, and adds the CBAS program, to reflect this change in State law.

Additionally, the revised policy adds the Multipurpose Social Services Program (MSSP) which the Community and Senior Services Department indicates is also a key component of a viable long term care system for aging adults, and provides social and health care management for frail elderly persons who are certifiable for placement in a nursing facility, but who wish to remain in the community.

## **10.11 Homelessness**

- 6. Support measures that would allocate additional resources to create and rehabilitate housing for low and extremely low income populations who are vulnerable to homelessness. (Requested by the Chief Executive Office)**

**Justification:** The Chief Executive Office Service Integration Branch reports that as a result of the State's fiscal situation, traditional funding sources that have helped build permanent supportive housing and apartments affordable to people in extreme poverty no longer exist. Several State measures offer opportunities to spur production of this housing; all are essential to continuing the County effort to end homelessness. These measures include creating a permanent, dedicated source of revenue to replenish the State's affordable housing trust fund, ensuring deep income targeting for housing greenhouse gas auction revenues may generate, and redirecting existing resources to create more housing affordable to those experiencing or vulnerable to homelessness.

## **12. UTILITIES AND INFRASTRUCTURE**

### **12.1 Energy**

- 14. Support proposals to require Investor Owned and Municipal Utilities (IOMUs) to provide local governments and State agencies disaggregated energy consumption data to support the development of greenhouse gas emissions inventories and climate action plans as required by AB 32 (California's Global Warming Solutions Act of 2006). (Requested by the Internal Services Department)**

**Justification:** The Internal Services Department (ISD) indicates that local governments are required to prepare and implement climate action plans that demonstrate compliance with the State's AB 32 goals. The ISD reports that Investor Owned and Municipal Utilities will not release the energy usage information for an area to a third party if one or more of the IOMU's customers in the referenced area consumes 15 percent or more of the energy in the specified area unless the customer approves of the release of the data. In order to obtain the data needed to prepare the required AB 32 climate action plans, legislation or regulations are needed to direct IOMUs to provide data disaggregated to the individual ratepayer level, while maintaining customer confidentiality requirements. ISD reports that the California Public Utilities Commission, in partnership with the Governor's office, is opening a rulemaking process to discuss how the IOMUs may provide this data to local governments for preparation of their climate action plans. The proposed policy will allow the County to support these proposals.

- 15. Support proposals to provide funding to local governments to develop, implement, and administer energy programs for residential, non-residential, and publicly owned properties. (Requested by the Internal Services Department)**

**Justification:** The Internal Services Department reports that incentive funding for commercial property retrofits, energy retrofits, and local government properties is available through grants from the Department of Energy, the California Energy Commission, and federal and State grants. This incentive funding is essential for the County to implement its energy upgrade programs, which enable reduced energy consumption in residential

properties, as well as its Climate Action Plan to meet the greenhouse gas emission reduction goals of AB 32.

16. **Support proposals to provide direct funding and technical support for local governments to develop and implement energy and climate actions plans that aim to reduce energy and water consumption. (Requested by the Internal Services Department)**

**Justification:** The Internal Services Department reports that many local government agencies lack the resources and/or technical expertise to prepare and implement climate action plans required by AB 32. The proposed policy will allow the County to support legislative efforts that direct funding and technical support to local government agencies, allowing them to prepare and implement the climate action plans mandated by AB 32.

## **PROPOSALS FOR COUNTY-SPONSORED LEGISLATION**

As reported in the November 14, 2012 Sacramento Update, consistent with existing Board-approved policies and positions, the County will seek sponsorship of the following four legislative proposals in 2013: 1) amend the Brown Act to authorize the Governor to meet in executive session with the Board of Supervisors on matters posing a threat to the security of public buildings or essential public services; 2) establish a pathway to encourage the development of conversion technologies; 3) extend the sunset date of County-sponsored AB 2699 (Chapter 270, Statutes of 2010) which provides exemptions from licensing requirements for out-of-state health care practitioners to provide volunteer medical and dental services; and 4) amend the California Public Contract Code to extend or delete the existing sunset date for design-build authority granted to counties.

In addition to the above-mentioned legislative proposals, Board approval is requested to pursue County-sponsored legislation for which there is no existing policy: 1) expand the authority of a county board of supervisors to deny requests for election consolidation; and 2) establish routine HIV testing for children under the age of one who are placed in the foster care system.

**Consolidation of Elections.** This office will pursue County-sponsored legislation to expand a county board of supervisors existing authority to deny a request for election consolidation in cases where there is a reasonable concern regarding the proper administration of the election, including legal and financial considerations.

Under existing law, there are specified factors when a board of supervisors can deny the request to consolidate a local jurisdiction's election event with the elections held by the county. Those factors include findings that the ballot style, voting equipment or computer capacity is such that additional elections or materials cannot be handled.

The Registrar-Recorder/County Clerk indicates that past consolidated election issues, such as jurisdictional and electoral oversight conflicts have jeopardized the quality and efficiency of the election process. Expanding the conditions under which a consolidation request can be denied could help prevent these types of issues, civil action and other forms of litigation against the County. Without expanded authority, the County is exposed to potential lawsuits and other forms of litigation should there be a conflict with the requesting jurisdiction on the interpretation and application of Elections Code and other applicable laws. Further, the inability of a jurisdiction to provide payment for election services could impact the County's ability to pay vendors and suppliers, lead to breach of contract, and increase the cost of another geographically overlapping jurisdiction's billing. Therefore, legislation is needed to expand a county board of supervisors existing authority to deny statewide election consolidation with county administered elections in cases where there is reasonable concern regarding



the proper administration of an additional election, including legal and financial considerations.

**Routine HIV Testing of Infants Placed in Foster Care.** This office will pursue County-sponsored legislation to establish testing for HIV infection as a routine part of the initial medical examination for children under the age of one who are placed in the foster care system.

The Department of Health Services (DHS) through its Medical Hub clinics provides California Department of Social Services mandated medical examinations for children and infants who are placed into foster care by the Department of Children and Family Services (DCFS). When an infant or child is placed into foster care, he/she is taken to a Medical Hub clinic for an initial medical examination, forensic evaluations and follow-up medical services. The initial examination includes routine testing for hepatitis and other sexually transmitted diseases, but not for HIV because HIV testing requires parental consent. However, DHS is not always able to obtain timely consent for HIV testing for infants under one year of age.

If consent cannot be secured because the parent/legal guardian refuses or when the parent(s) cannot be located, the DCFS social worker must obtain a letter of medical necessity from the treating physician, and then complete a lengthy, complex process to seek approval for HIV testing from a Juvenile Dependency Court. This process can result in the delay of treatment and may jeopardize the health of infants who are infected with HIV. According to the American Academy of Pediatrics, HIV testing of newborns is very time sensitive and should be performed at the time of birth so that prophylactic medications that can prevent HIV acquisition can be administered to the HIV-exposed child soon after birth. If the infant has contracted the HIV virus and is not treated, they are likely to develop an HIV infection in their bloodstream.

According to the Department of Public Health, between 2008 and 2012, a total of five infants born in Los Angeles County were diagnosed with HIV. Although this number is relatively small, the Department of Health Services indicates that legislation is necessary to make HIV testing a routine part of the initial medical examination given to children under the age of one who are placed in foster care. Enactment of such legislation would be vital to protecting the health of newborns and infants and providing timely, critical medical care for infants placed in the County's Foster Care System who may be HIV-positive.